

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>JAF-PB60383</b>	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/EP2004/007669</b>	International filing date (day/month/year) <b>08/07/2004</b>	(Earliest) Priority Date (day/month/year) <b>11/07/2003</b>
Applicant  <b>GLAXO GROUP LIMITED</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☒ none of the figures is to be published with the abstract.

7. The same as under item 6 applies mutatis mutandis to independent claim 2.
8. A positive international preliminary report for the subject-matter of the dependent claims 3-10, 12-13 and 16 can only be established when they refer to independent claims which meet the requirements of the PCT.
9. For the assessment of the present claim 18 on the question whether it is industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

**Re Section VIII**

**Certain observations on the international application**

1. Claims 14 and 15 do not comprise the essential feature "inhalable solid formulation" (Art. 6 PCT).

## PCT REQUEST

Original (for SUBMISSION )

<b>0</b>	<b>For receiving Office use only</b>	
<b>0-1</b>	International Application No.	
<b>0-2</b>	International Filing Date	
<b>0-3</b>	Name of receiving Office and "PCT International Application"	
<b>0-4</b>	<b>Form PCT/RO/101 PCT Request</b>	
<b>0-4-1</b>	Prepared Using	<b>PCT-SAFE [EASY mode] Version 3.50 (Build 0002.162)</b>
<b>0-5</b>	<b>Petition</b> The undersigned requests that the present International application be processed according to the Patent Cooperation Treaty	
<b>0-6</b>	<b>Receiving Office (specified by the applicant)</b>	<b>European Patent Office (EPO) (RO/EP)</b>
<b>0-7</b>	<b>Applicant's or agent's file reference</b>	<b>JAF-PB60383</b>
<b>I</b>	<b>Title of Invention</b>	<b>PHARMACEUTICAL FORMULATIONS</b>
<b>II</b>	<b>Applicant</b>	
<b>II-1</b>	This person is	<b>applicant only</b>
<b>II-2</b>	Applicant for	<b>all designated States except US</b>
<b>II-4</b>	Name	<b>GLAXO GROUP LIMITED</b>
<b>II-5</b>	Address	<b>Glaxo Wellcome House Berkeley Avenue Greenford Middlesex UB6 0NN United Kingdom</b>
<b>II-6</b>	State of nationality	<b>GB</b>
<b>II-7</b>	State of residence	<b>GB</b>
<b>II-8</b>	Telephone No.	<b>020 8047 5000</b>
<b>II-9</b>	Facsimile No.	<b>020 8047 6894</b>

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III-1	<b>Applicant and/or inventor</b>	
III-1-1	This person is	applicant and inventor
III-1-2	Applicant for	US only
III-1-4	Name (LAST, First)	THOMAS, Marian
III-1-5	Address	GlaxoSmithKline Park Road Ware Hertfordshire SG12 0DP United Kingdom
III-1-6	State of nationality	GB
III-1-7	State of residence	GB
IV-1	<b>Agent or common representative; or address for correspondence</b>	
	The person identified below is hereby/ has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name (LAST, First)	FLORENCE, Julia, Anne
IV-1-2	Address	GlaxoSmithKline Corporate Intellectual Property (CN925.1) 980 Great West Road Brentford Middlesex TW8 9GS United Kingdom
IV-1-3	Telephone No.	0143 876 8597
IV-1-4	Facsimile No.	020 8047 6894
V	<b>DESIGNATIONS</b>	
V-1	The filing of this request constitutes under Rule 4.9(a), the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.	
VI-1	<b>Priority claim of earlier national application</b>	
VI-1-1	Filing date	11 July 2003 (11.07.2003)
VI-1-2	Number	0316338.3
VI-1-3	Country	GB

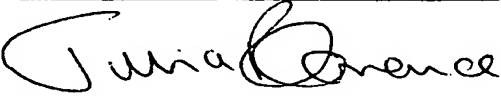
## PCT REQUEST

Original (for SUBMISSION )

<b>VI-2</b>	<b>Priority claim of earlier national application</b>		
VI-2-1	Filing date	<b>23 September 2003 (23.09.2003)</b>	
VI-2-2	Number	<b>60/505,390</b>	
VI-2-3	Country	<b>US</b>	
<b>VI-3</b>	<b>Priority claim of earlier national application</b>		
VI-3-1	Filing date	<b>24 October 2003 (24.10.2003)</b>	
VI-3-2	Number	<b>0324912.5</b>	
VI-3-3	Country	<b>GB</b>	
<b>VII-1</b>	<b>International Searching Authority Chosen</b>	<b>European Patent Office (EPO) (ISA/EP)</b>	
<b>VIII</b>	<b>Declarations</b>	<b>Number of declarations</b>	
VIII-1	Declaration as to the identity of the inventor	-	
VIII-2	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	-	
VIII-3	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	-	
VIII-4	Declaration of inventorship (only for the purposes of the designation of the United States of America)	-	
VIII-5	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	-	
<b>IX</b>	<b>Check list</b>	<b>number of sheets</b>	<b>electronic file(s) attached</b>
IX-1	Request (including declaration sheets)	<b>4</b>	✓
IX-2	Description	<b>16</b>	-
IX-3	Claims	<b>3</b>	-
IX-4	Abstract	<b>1</b>	✓
IX-5	Drawings	<b>1</b>	-
IX-7	<b>TOTAL</b>	<b>25</b>	
	<b>Accompanying Items</b>	<b>paper document(s) attached</b>	<b>electronic file(s) attached</b>
IX-8	Fee calculation sheet	✓	-
IX-17	PCT-SAFE physical media	-	✓
IX-19	Figure of the drawings which should accompany the abstract		
IX-20	Language of filing of the international application	<b>English</b>	

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X-1	Signature of applicant, agent or common representative	
X-1-1	Name (LAST, First)	FLORENCE, Julia, Anne
X-1-2	Name of signatory	
X-1-3	Capacity	

## FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/EP
10-6	Transmittal of search copy delayed until search fee is paid	

## FOR INTERNATIONAL BUREAU USE ONLY

11-1	Date of receipt of the record copy by the International Bureau	
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